

REMARKS

This responds to the Office Action mailed on November 30, 2005.

Claims 1, 7, 14, 16, and 21 are amended; as a result, claims 1-26 are now pending in this application.

The amendments are made to place the present application in condition for allowance and do not introduce any new matter or necessitate a new search. Correspondingly, Applicants believe that entry of the amendments is appropriate and respectfully request an indication of the same.

Claim Objections

Claim 16 was objected to because of informalities. The typographical error in claim 16 has been changed from “if” to “is”; accordingly, Applicants believe that this rejection has been overcome and is no longer appropriate.

§112 Rejection of the Claims

Claims 1, 7, 14 and 21 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Although Applicants disagree with the Examiner’s characterization of the use of the term “directly,” this term has been removed from the independent claims. Thus, the rejections are no longer appropriate and should be withdrawn.

§102 Rejection of the Claims

Claims 7-8 and 10-12 were rejected under 35 U.S.C. § 102(b) for anticipation by Ji et al. (U.S. 5,889,943). It is of course fundamental that in order to sustain an anticipation rejection that each and every element or step in the rejected claims must be taught or suggested in the cited reference.

At the outset, Applicants note that claims 8 and 10-12 are dependent from amended independent claim 7; thus, for the amendments and remarks presented herein and below with respect to independent claim 7, the rejections of claims 8 and 10-12 should be withdrawn.

With respect to amended independent claim 7, Ji fails to teach scanning or validating at a remote location from a client. This fact appears to be recognized by the Examiner with the discussion of the rejections with respect to claims 1, 14, and 21, where the Examiner states that Ji does not disclose performing the validation at a remote server. This limitation that was not originally present in claim 7 is now positively recited in claim 7. Therefore, Applicants believe that the anticipation rejection with respect to claim 7 is no longer appropriate and should be withdrawn. Applicants respectfully request an indication of the same.

§103 Rejection of the Claims

Claims 1-6, 9 and 13-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ji et al. in view of Mitty et al. (U.S. 6,199,052). To sustain an obviousness rejection each and every step or element must be taught or suggested in the proposed combination of references.

Fundamentally, Ji is directed to scanning email sent from a sender within the sender's environment or alternatively scanning email received from a sender at a recipient's device. Scanning is done to detect viruses. "Viruses are detected and corrective action taken by a mail scanning apparatus which preferably resides at the client node." Ji, col. 3, lines 60-62. *Emphasis added.* The Examiner has astutely recognized this and relies on Mitty for a further teaching that viruses are scanned at a remote location from the recipient or client of the email.

Mitty scans email for viruses by receiving the email from a sender and by encrypting that email in a format known to the sender and known to the intermediary; the intermediary in Mitty then scans for viruses and processes the email on to the recipient. Applicants explained this processing in the prior response. The Examiner appears to have glossed over the fact that the email is received by the intermediary in Mitty from the sender of the email and not from the recipient of the email. Applicants' independent claims now may clear that the messages, which are to be scanned or validated, are received from the recipient of the emails by a remote service or server and not from the sender of the emails.

This is an important and a non-trivial distinction, because the processing approach used in Mitty requires both a sender and a receiver to be interfaced and operable to communicate with an intermediary that scans email for viruses. This is not the case with Applicants' invention

where only the recipient has to be aware of and interfaced to the server that remotely validates messages on behalf of the recipient. Nefarious senders in Mitty could slip viruses to unsuspecting recipients; this is not the case with Applicants' processing approach where the recipients are interfaced to a server to have messages remotely validated before they are consumed.

Additionally, there is no teaching or suggestion of a teaching in Mitty or Ji where the recipient decrypts a message from a sender and sends that decrypted or re-encrypted message (using a different encryption format) to a third-party service or server for scanning. The Examiner has acknowledged this with the Ji reference, since messages are scanned locally by a recipient in Ji and the Examiner cannot deny that Mitty decrypts the email sent from a sender and does not teach or suggest decrypting email from the recipient, which is not clear from Applicants' amended independent claims.

Therefore, the rejection with respect to the proposed combination of Ji and Mitty should be withdrawn and these claims allowed. Applicants respectfully request an indication of the same.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

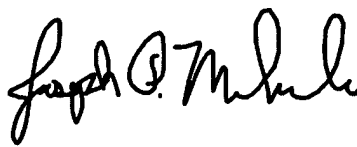
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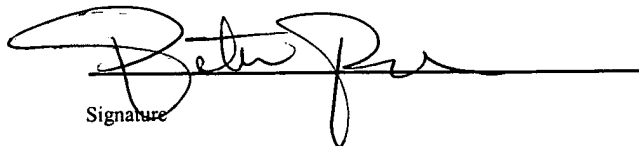


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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30 day of January, 2006.

Peter Rubiffoni

Name


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